

## **Exhibit 10**

**MINTZ LEVIN**

Dominic J. Picca | 212 692 6859 | djpicca@mintz.com

Chrysler Center  
666 Third Avenue  
New York, NY 10017  
212-935-3000  
212-983-3115 fax  
www.mintz.com

August 18, 2010

**Delivered Via**

**Email KPeluso@manatt.com,**

**Direct Fax (212) 536-1817**

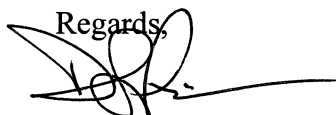
**and Federal Express Overnight Courier, return receipt requested**

Attn: Kimo S. Peluso  
Manatt, Phelps & Phillips, LLP  
7 Times Square  
New York, New York 10036  
*As counsel for and for service on The Seaport Group LLC*

Dear Kimo:

Reference is made to that certain Assignment of Claim and Settlement Agreement entered into between Dale Earnhardt, Inc. ("Assignor") and The Seaport Group LLC ("Assignee") dated as of July 16, 2010 (the "Assignment Agreement"). All capitalized terms used and not defined herein have the meanings given them in the Assignment Agreement. Reference also is made to my August 6, 2010, letter to you concerning Assignor's reservation of rights, including to terminate the Assignment Agreement pursuant to Section 4 thereof (the "Assignor Termination Election"), due to the lawsuit Deutsche Bank Securities Inc. filed against DEI captioned *Deutsche Bank Securities Inc. v. Dale Earnhardt, Inc.*, 10 CIV 5910 (the "Lawsuit"), which Lawsuit was filed within the 20 Day Period. Finally, reference is made to the agreement we reached, as confirmed by your email to me, dated August 11, 2010, extending by one week and until August 18, 2010, Assignor's right to terminate the Assignment Agreement, without prejudice to Assignee's right to contest the termination.

Please be advised that, pursuant to Section 4 of the Assignment Agreement, and as a result of the Lawsuit, Assignor hereby exercises the Assignor Termination Election to terminate the Assignment Agreement. Assignor hereby declares the Assignment Agreement null and void. Assignor further reserves all of its rights and remedies under all applicable provisions of the Assignment Agreement, at law and in equity.

Regards,  
  
Dominic Picca

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

BOSTON | WASHINGTON | NEW YORK | STAMFORD | LOS ANGELES | PALO ALTO | SAN DIEGO | LONDON